

20069-49

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ehud Dafni, et al.

Serial No.: 09/380,654

Filed: August 19, 1999

For: REAL-TIME DYNAMIC IMAGE RECONSTRUCTION

August 14, 2000 **RECEIVED**

Box PCT

Asst. Commissioner for Patents
Washington, D.C. 20231

25 AUG 2000

Legal Staff
International DivisionAttn: PCT Legal Office**PETITION FOR CONSIDERATION AND/OR REVIVAL
UNDER 37 C.F.R. § 1.137(b)**

S I R :

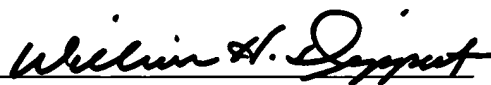
Applicants hereby petition for reconsideration of a Decision dated June 14, 2000 (the "Decision"). In the alternative, Applicants hereby petition for revival of the above application under 37 C.F.R. § 1.137(b).

As set forth in detail in two earlier filed Petitions dated October 20, 1999 and January 6, 2000, respectively, which Petitions are incorporated herein by reference, the above application did not receive the filing date Applicants believe it was entitled to. In the Decision said Petitions were denied because Applicants did not provide a grantable petition under 37 C.F.R. § 1.10(c). Applicants submit that this decision should be reconsidered because § 1.10(c) is not the only avenue for overcoming what was clearly a mistake within the Patent Office itself. The earlier submitted materials clearly support the Applicants'

position that, consistent with 37 C.F.R. § 1.10(a) the above application was included with two other applications in the same Express Mail envelope and the envelope was timely submitted to the U.S. Patent and Trademark Office on August 19, 1999, and that said other two applications enclosed therewith received the proper filing date. The only reason that the above application did not receive the proper filing date was that there was a procedural error within the mailroom at the Patent Office. Applicants should not be punished and thus denied the proper August 19, 1999 filing date for the above application due to mishandling beyond Applicants' control.

In the alternative, Applicants state that the entire delay in filing the above application from the due date for the National Phase filing until the filing of a grantable petition to revive pursuant to 37 C.F.R. § 1.137(b) was unintentional. A check in the amount of \$1210 as the petition fee set forth in 37 C.F.R. § 1.17(m) is enclosed. Should any additional fee be necessary, please charge it to Deposit Account No. 03-3415. On the other hand, should the Petitions Attorney reconsider his earlier Decision and instead grant Applicants' prior Petitions, please credit the amount of the enclosed check to said Deposit Account.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on August 14, 2000

Date of Deposit

William H. Dippert

Attorney

William H. Dippert

Signature

August 14, 2000

Date of Signature

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 03-3415.